

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

Minutes  
16/17 March 2006  
476th Regular Board Meeting  
11020 Sun Center, Suite 200  
Rancho Cordova, CA 95670

**THURSDAY, 16 MARCH 2006**

**BOARD MEMBERS PRESENT**

Robert Schneider, Chair, Linda Adams, Vice Chair, Alson Brizard, Paul Betancourt, Kate Hart, Sopac Mulholland, Karl Longley, Christopher Cabaldon and Dan Odenweller, Members.

**STAFF PRESENT**

Pamela Creedon, Ken Landau, Jack DelConte, Loren Harlow, Janice Tanaka, Frances McChesney, Catherine George, Phil Wyels, Steven Blum, Antonia Vorster, Bill Croyle, Rudy Schnagl, Bert VanVoriss, JoAnne Kipps, John Russell, Rudy Schnagl,

**OTHERS PRESENT**

Bill Jennings, CA Sportfishing Protection  
David Cory, Westside Coalition  
John Meek, SJWQC  
Steven Proe, El Dorado County  
John Jeter, Hilmar Cheese  
Gail Delihant, Asm. Aghazarian's office  
Warren Climo, Hilmar Cheese  
Donald Hicks, Hilmar Cheese  
Rob Neenan, CA League of Food Processors

Parry Klassen, ESJWQC  
Tina Lunt, SVWQC  
Jeff Scharff, Virginia Drake  
Carrie McNeil, DeltaKeeper  
Tim O'Laughlin, SJRCD  
John Bouey, Biosolids Recycling Inc.  
Corny Gallagher, CA Bankers Assoc.  
Michael Boccadoro, CA Food Production  
Rafael Maestu

**EXECUTIVE OFFICER'S REPORT**

Pamela Creedon reported an update to the Grant Status Report had been added to the EO Report.

**BOARD MEMBER COMMUNICATIONS**

**Kate Hart** reported that she had met with Rita Schmidt-Sudman of the Water Education Foundation and received materials on water law. The Foundation is a good source of general water information for Board members and the public.

**Linda Adams** reported that she had attended the President's Dinner of the California Association of Pest Control Advisors on 21 February, and attended a forum on Central Valley issues presented by Pacific Union Homes on 15 February.

**Paul Betancourt** reported that had attended a 24 February Almond Board environmental tour along with Pamela Creedon and Bill Croyle, toured a dairy under construction in Fresno County, and spoke at last month's water meeting of the Madera County Farm Bureau.

**Karl Longley** reported that he:

- Attended a number of meetings of the Salinity Policy Workgroup along with Dan Odenweller. The Workgroup is seeking to complete an initial report and work plan by 28 April
- Attended TIC meetings on 14 February and 14 March. The TIC is now professionally facilitated and is working hard to meeting the schedule for updating the Irrigated Ag Conditional Waiver Monitoring and Reporting Program.
- Made a presentation on salt in the Central Valley on 17 February to a Fresno County Water/Environment Committee Meeting, and again on 13 February to the Wine Institute
- On 16 March had lunch with Rita Schmidt-Sudman of the Water Education Foundation.

**Dan Odenweller** reported that he had attended the Salinity Policy Workgroup meetings, and the 14 February TIC meeting. He also endorsed the educational materials developed by the Water Education Foundation.

## **PUBLIC FORUM**

**Parry Klassen** reported on the activities of the East San Joaquin Coalition.

**Tina Lunt** reported on the activities of the Sacramento Valley Coalition

**John Meek** reported on the activities of the San Joaquin County and Delta Water Quality Coalition

**David Corey** reported on the activities of the West San Joaquin River Coalition. Chairman Schneider asked how the Policy meetings had been going. Mr. Corey reported that the first meeting had been slow, but there had been major progress on the membership issue at the second meeting and he is optimistic regarding the potential for continued progress. Chairman Schneider noted that the policy discussions can be broad-based, not constrained.

**Jeff Scharf** reported that he had been retained as new legal counsel for the Drake Trust, thanked the Board for deferring the matter to a later Board meeting, and stated that he had submitted the requested status report on the Humboldt Road Burn Dump.

**Carrie McNeil** DeltaKeeper, expressed concern that Coalition Membership Lists have not been submitted and proposed alternatives will all take more staff time. DeltaKeeper believes all monitoring should be submitted on time. The Legislative Report lists low membership as a concern regarding program funding. DeltaKeeper is also concerned that low membership means that half the Ag land is not covered.

**Steven Proe**, El Dorado County citizen, asked the Board not to ignore silt and sedimentation problems in upper El Dorado and Placer Counties. There is no meaningful cooperation by the Boards of Supervisors, County Staffs and the State Park. The American River near Foresthill is turbid, while the middle fork is clean. County maintenance yard at Greenwood has no erosion controls. Requested Chair to have staff work to fix problems. The Chair directed the EO to follow-up on the request and provide an update in the next EO Report.

**Tim O'Laughlin** spoke on three items:

- He is legal counsel for the Tehama Market Group. An ACL for the Group had been withdrawn by the Adjudicatory Team from today's agenda. They will not waive their rights to a hearing within 90 days and will seek a writ if the matter proceeds. He complained that Phil Wyels had told the Prosecution of a fatal flaw in the ACL so that it could be fixed. Such a contact is inappropriate and unfair. Mr. Wyels disagreed
- He took exception to a statement by Mr. Brizard regarding irrigation districts and the coalitions. He affirmed that the five irrigation districts he represents would not be joining any coalition. The Board has still not approved plans submitted.
- San Joaquin River Upstream Salinity Standards. Everyone at the joint workshop heard that TMDLs were not the answer to salt problems. Cannot continue to import salt and yet prohibit salt discharges. Proceeding with TMDLs will only force litigation.

**Bill Jennings**, Water Enforcers, CalSPA. He is suspicious of the Coalition's need to keep saying how well they are doing. If they were actually doing well, Board staff would be the first to know and say so. Environmental Groups will be reviewing in detail the compliance of coalitions with waivers and will be submitting that review to the Board. He did not attend the second Policy meeting because they did not seem to be going anywhere. An open, formal process is better.

**Phil Wyels**, SWRCB legal counsel, notified the Board that parties would be requested to submit briefs regarding the Tehama Market ACL. A letter regarding the matter should be sent Friday.

## **OTHER BUSINESS**

### **Delegating Certain Powers And Duties To The Executive Officer – *Consideration of a Resolution***

A public hearing was held. Kenneth Landau presented the staff report. There was no additional testimony.

**R5-2006-0023**

MOTION: By Mr. Longley, seconded by Mr. Brizard to adopt the proposed resolution. Unanimously approved.

**Salinity in the Central Valley – *Report from Board Members Longley and Odenweller on Salinity Policy Developments, and Consideration of a Resolution Requesting State Water Resources Control Board Support for Planning Efforts***

A public hearing was held. Rudy Schnagl presented the staff report. Additional testimony was given by David Cory.

A public hearing was held. Kenneth Landau presented the staff report. There was no additional testimony.

**R5-2006-0024**

MOTION: By Ms. Adams, seconded by Mr. Longley to adopt the proposed resolution. Unanimously approved.

## **ENFORCEMENT**

**Virginia L. Drake, Trustee, Drake Revocable Trust, James E. Simmons, Darwin H. and Nina R. Simmons, Trustees, Simmons Family Trust and City of Chico – *Consideration of Administrative Liability Orders (Continuation From November 2005)***

- a. Humboldt Road Burn Dump Area 7 (All Parties Except City of Chico)
- b. Humboldt Road Burn Dump Area 8 (All Parties)

THIS ITEM WAS REMOVED FROM THE AGENDA AND WILL BE HEARD AT A FUTURE BOARD MEETING.

**Tehama Market Associates, LLC. Linkside Place Subdivision, Butte County – *Consideration of Administrative Civil Liability Order***

THIS ITEM WAS REMOVED FROM THE AGENDA AND WILL BE HEARD AT A FUTURE BOARD MEETING.

**Hilmar Cheese Company, Inc, and Hilmar Whey, Inc., Merced County - *Consideration of a Revised Settlement Agreement of the Proposed Administrative Civil Liability Complaint***

A public hearing was held. Kenneth Landau presented the prosecution staff report. John Jeter, Rafael Maestro, Corny Gallagher, Michael Boccadoro, Keri McNeil, and Bill Jennings, Steven Blum, Catherine George, and Pamela Creedon gave additional testimony.

**R5-2006-0025**

MOTION: By Mr. Betancourt, seconded by Ms. Mulholland to adopt the proposed resolution. Approved with a vote of 8 to 1.

**The meeting was adjourned at 4:15 p.m. and was continued to the Friday session.**

## **FRIDAY, 17 MARCH 2006**

### **BOARD MEMBERS PRESENT**

Robert Schneider, Chair, Linda Adams, Vice Chair, Alson Brizard, Paul Betancourt, Kate Hart, Sopac Mulholland, Karl Longley, Christopher Cabaldon and Dan Odenweller, Members.

### **STAFF PRESENT**

Pamela Creedon, Ken Landau, Jack DelConte, Brian Newman, Wendy Wyels, Janice Tanaka, Frances McChesney, David Boyers, Rudy Schnagl, Amanda Smith, Betty Yee, Jim Munch and Jon Marshack

### **OTHERS PRESENT**

Warren Tellefson, CVCWA  
Mike Falasco, Wine Institute  
Rob Neenan, CA League of Food Processors  
Bill Thomas, SSJWQC  
Bob Wiedman, Asm Cogdill's Office  
Sue Giampietro, The Wine Group  
Tom Viteli, O'Neill Vintner  
Randy Barlow, Ingomar Packing Co.  
Russell Murray, Russell Murray & Assoc.  
Dennis Larsen, Campbell Soup  
Gail Delihant, Asm Aghazarian's Office  
Wayne Dyok, Plumas County  
Bill Busath, City of Sacramento  
David Cory, SJREC  
John Hewitt, CA Farm Bureau  
Carrie McNeil, DeltaKeeper

Tim Johnson, CA Rice Commission  
Roberta Firoved, CA Rice Commission  
Joseph A. Ureno, Twining Labs  
Ben Hall, Musco Family Olive  
Michael Boccadoro, The Dolphin Group  
Dennis Gudgel, CA Ag Commissioners  
Jim Mortensen, Del Monte Foods  
Paul Souza, Western United Dairyman  
Martin Reyes, Stanislaus Co. Food Processing  
Denny Hoeh, Stanislaus Co.  
Jan Marie Ennenga, Mfgs. Council  
Dave Withycombe, Del Monte Foods  
David Wissing, Signature Fruit Co.  
John Bouey, Biosolids Recycling Inc.  
John Herrick, South Delta Water Agency

### **PUBLIC FORUM**

**Bill Thomas** reported on the activities of the South San Joaquin Coalition. Members originally signed with some sub-coalitions with the understanding that their names would not be disclosed unless water quality problems existed. They are currently "re-signing" members and anticipate submittal of a membership list in June.

**Warren Tellefson** invited Board members to attend the 18 May Central Valley Clean Water Association conference and presented conference materials to the Board. Al Brizard asked if there were enough treatment plant operators available. Mr. Tellefson replied that that is a long term problem for the industry. More operators are retiring than enter the field.

### **BOARD MEMBER COMMUNICATIONS**

Chairman Schneider reported that he and Al Brizard have discussed the process, but not the substance, for renewal of the irrigated lands conditional waiver. The Chair asked about the timeline for waiver renewal. Pamela Creedon stated that renewal is not anticipated by the June meeting. A notice will probably be issued in July for Board consideration of the waiver renewal in September or October. A timeline will be presented at a future meeting.

## UNCONTESTED CALENDAR

### OTHER BUSINESS

**Central Valley Region Emergency, Abandoned, and Recalcitrant 2006/2007 Annual Site List –  
Consideration of Adoption - R5-2006-0028**

### WASTE DISCHARGE REQUIREMENTS

#### Uncontested Change of Name and/or Ownership - R5-2006-0029

- a. RMC Pacific Materials, Inc. dba CEMEX, CEMEX Lemon Cove Plant, Tulare County
- b. Winkey Mine, Elaine Pettigrew, Sierra County
- c. RMC Pacific Materials, Inc. dba CEMEX, CEMEX Friant Plant, Fresno County
- d. Golden State Vintners dba Franzia/McFarland, McFarland Winery, Tulare County
- e. Rancheria Angus RV Park, Elizabeth Elmherst and Jim Ryman, Modoc County
- f. Rancho Esplanade LTD, Rancho Esplanade Mobile Home Park, Butte County
- g. Grass Valley Mobile Home Village, Inc., Richard T. Boswell & Patrice Cole, Nevada County
- h. Kramer Quarry and Asphalt Operation, Dorothea E Kramer Trust, et al., Lassen County
- i. Chico Golf Ventures LLC dba Tuscan Ridge Golf Club, Wastewater Treatment & Disposal Facility
- j. Saint Gregory's Olive Oil, GT, LLC, Lake County

#### Uncontested Rescissions - R5-2006-0030

- a. Oilseeds International, Ltd., Colusa County
- b. United States Air Force, Beale Air Force Base, Soil Bioremediation Facility Class II Waste Pile Unit, Yuba County
- c. Susan Lawing dba Homegrown Enterprises, Tehama County
- d. Sierra Cedar Products and Rosboro Lumber Company, Log Storage Facility, Yuba County
- e. Plumas County Flood Control and Water Conservation District, Lake Davis Water Treatment Plant, Plumas County

#### Uncontested Waste Discharge Requirements - R5-2006-0031

- a. Chemurgic Agricultural Chemicals, Inc., Groundwater Treatment System, Stanislaus County

**A public hearing was held on the entire Uncontested Calendar. No one appeared to contest the proposed orders.**

**MOTION: By Mr. Cabaldon, seconded by Mr. Betancourt to adopt the uncontested calendar. Unanimously approved.**

## CONTESTED CALENDAR

### OTHER BUSINESS

#### Update Regarding the Regulation of Food Processing Waste Discharges to Land – *Information Item*

Wendy Wyels presented the staff report. Additional information was provided by Rob Neenan, Mike Falasco, Sonya Harigfeld, Keri McNeal, John Booe, Dave Wising, Dave Witherrcomb, Jan Marie Enengay, Martin Reyes, Paul Souza, Dennis Gudgel, Michael Bocadero, Ben Hall, and John Hewitt. This item was an informational workshop. The Board took no action.

**Rice Pesticide Program, Management Practices for the 2006 Rice Season – *Consideration of Approval***

A public hearing was held. Amanda Smith presented the staff report. Tim Johnson and Carrie McNeil presented additional testimony

**R5-2006-0026**

MOTION: By Mr. Cabaldon, seconded by Mr. Longley to adopt the proposed order. Unanimously approved.

**Triennial Review of the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins – *Consideration of a Resolution to Adopt the Triennial Review Workplan and Response to Comments.***

A public hearing was held. Betty Yee presented the staff report. John Hewitt, David Cory, Bill Busath and Wayne Dyok presented additional testimony.

**R5-2006-0026**

MOTION: By Mr. Cabaldon, seconded by Mr. Longley to adopt the proposed resolution. Unanimously approved.

**ENFORCEMENT**

**Ma-Ru Holding Company, Inc. and Bonzi Sanitation Landfill, Stanislaus County – *Consideration of a Resolution Requiring Payment of \$50,000 as Described by the Stipulated Judgment***

THIS ITEM WAS REMOVED FROM THE AGENDA AND WILL BE HEARD AT A FUTURE BOARD MEETING.

**OTHER BUSINESS**

**The Board met in closed session to discuss ongoing litigation.**

**The meeting was adjourned at 2:15 p.m. to the 4/5 May Regular Board Meeting.**